

HOUSE BILL REPORT

HB 2015

As Reported by House Committee On:
Education

Title: An act relating to enhancing antiharassment strategies in public schools.

Brief Description: Enhancing antiharassment strategies in public schools.

Sponsors: Representatives Liias, Upthegrove, Haler, Pedersen, Walsh, Maxwell, Nelson, Ormsby, Rolfes, Kagi, Carlyle, Probst, Orwall, Hasegawa, Morrell, Kenney, Quall, Moeller, Hunt, Sells, Williams, Sullivan, Dickerson, Van De Wege, Darneille, Santos, Chase, White and Kessler.

Brief History:

Committee Activity:

Education: 2/10/09, 2/18/09 [DPS].

Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI), in consultation with others, to revise and update the model harassment, intimidation, and bullying prevention policy and procedure.
- Requires the OSPI to provide the updated policy and procedure to the Legislature by August 1, 2009, and, in the event that the Legislature takes no action during the 2010 session, to provide the policy, procedure, and training materials to school districts and educational service districts.
- Directs school districts to adopt or amend policy and procedure incorporating the OSPI's revised and updated policy and procedure.
- Tasks the OSPI with adopting rules regarding school district communication of the policy and procedure to parents, students, employees, and volunteers.
- Establishes the Office of the Education Ombudsman as the lead agency to provide resources and tools regarding antiharassment policies and strategies to parents and families.
- Creates a work group to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in Washington public schools.
- Requires the work group to submit biennial progress and status reports.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

Staff: Cece Clynch (786-7195)

Background:

By August 1, 2003, each school district was required to adopt a policy prohibiting harassment, intimidation, or bullying of any student. "Harassment, intimidation, or bullying" was originally defined to include any intentional "written, verbal, or physical act" that: (1) physically harms a student or damages a student's property; (2) has the effect of substantially interfering with a student's education; (3) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (4) has the effect of substantially disrupting the orderly operation of the school. Drawing from the definition of "malicious harassment" in Washington's criminal code, such acts include, but are not limited to, those motivated by perceptions concerning the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap. The original legislation in 2002 required the Office of the Superintendent of Public Instruction (OSPI) to develop a model prevention policy and training materials to assist school districts and make these available in a variety of ways.

Subsequently, in 2007, the definition of "harassment, intimidation, or bullying" was expanded to include "electronic" acts and the Washington State School Directors Association (WSSDA) was directed to develop a model policy and sample materials prohibiting acts of harassment, intimidation, or bullying conducted via electronic means by a student "while on school grounds and during the school day." The policy was to incorporate a requirement that educational materials be disseminated to parents or made available on the school district's website. The WSSDA was tasked with providing the policy to the Legislature and posting the policy and sample materials on its website in January 2008. School district boards of directors were directed to establish such policy by August 1, 2008.

A September 2008 report by Washington State University's Social and Economic Sciences Research Center (SESRC) entitled "Bullying in Washington Schools: Update 2008" found that although districts have responded to the statutory requirement to have anti-bullying policies, bullying has not declined significantly in Washington public schools since 2002. The SESRC also found that districts do not address the problem uniformly and students and parents continue to seek assistance against bullying.

Summary of Substitute Bill:

The OSPI, in consultation with the Office of the Education Ombudsman (OEO) and other interested parties, must revise and update model harassment, intimidation, and bullying

prevention policy and procedure. These must be provided to the education committees of the Legislature by August 1, 2009. If the Legislature takes no action, the OSPI is directed to provide the updated model policy and procedure, together with training materials, to school districts and educational service districts. By August 1, 2010, school districts shall adopt or amend their policies to incorporate the OSPI's model policy and procedure. The OSPI is also tasked with adopting rules regarding communication of the policy and procedure by school districts to parents, students, employees, and volunteers.

The OEO is directed to serve as the lead agency to provide resources and tools to parents and families about antiharassment policy and procedure.

The OSPI and the OEO are tasked with convening an ongoing antiharassment work group to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in Washington public schools. Biennial reports to the governor and the education committees of the Legislature are required, beginning December 1, 2010. The work group must include one member each from the House of Representatives and the Senate and representatives from each of the following:

- State Board of Education;
- school directors;
- school administrators;
- principals;
- teachers;
- classified school staff;
- youth;
- community organizations; and
- parents.

Substitute Bill Compared to Original Bill:

Youth representation is added to the ongoing antiharassment work group.

Appropriation: None.

Fiscal Note: Requested on February 9, 2009.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Harassment and bullying have an extreme negative impact on students and student performance. Bill Clayton was a student at Olympia High School. After being harassed, and having to endure seeing his assailant every day at school, he committed suicide. Looking at school shootings that have occurred across the country, it can be seen that two-thirds of shooters had felt bullied and harassed. A school-wide commitment can reduce the incidence of bullying and harassment. There needs to be policy and procedure

and resources in place. An amendment is needed to make sure that youth are included in the work group. The OEO is supportive. Earlier legislation in this area was landmark legislation. Many states followed Washington's lead. It is important to have procedures in place and to have these procedures communicated and known. Victimization can escalate when a teacher does not respond. This will help identify the subtle beginnings of harassment. Despite the law in place today, and despite the creation of policies and procedures, children in our schools are bullied. These policies and procedures must be known and practiced by the entire school community. Otherwise, the bullying continues and this can lead to suicidal thoughts on the part of the victim and result in post-traumatic stress disorder. Too often, schools shift the burden of dealing with the bullies to the parents of the victims. The current policies developed by the OSPI and the WSSDA are pretty good but the procedures need to be strengthened. Anonymity must be protected. Frequently, students with disabilities are the ones that are bullied. This bill will restore some of the provisions which were found in the original legislation several years ago. These provisions are necessary in order to have a school hallway effect. An amendment to allow for staff training would be appreciated. In tough economic times such as these, incidents of harassment increase. Strengthening policies and procedures around the issues of harassment, and communicating these policies and procedures, will ensure that children learn to be good human beings at school.

(Opposed) None.

Persons Testifying: Representative Liias, prime sponsor; Steve Zuber, Office of the Education Ombudsman; Diana Stadden, Arc of Washington; Mary Heitzman; Beth Reis, Safe Schools Coalition; Kaybrein Horne and Nicole Baker; Robert Harkins, Office of the Superintendent of Public Instruction; and Zach Carstensen, Jewish Federation of Seattle.

Persons Signed In To Testify But Not Testifying: (In support) Patrick Nagle.